



ANNO VICESIMO PRIMO

GEORGII V REGIS.

A.D. 1930.

No. 1981.

An Act to increase by twenty-five per centum the Duty payable under the Succession Duties Act, 1929, during the period of Two Years ending on the thirtieth day of June, nineteen hundred and thirty-three, to amend the said Act, and for other purposes.

[Assented to, November 20th, 1930.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Succession Duties Act Amendment Act, 1930". Short titles.

(2) The Succession Duties Acts of 1929 and this Act may be cited together as the "Succession Duties Acts, 1929 to 1930".

(3) The Succession Duties Act, 1929, is hereinafter referred to as "the principal Act". No. 1898 of 1929.

2. Section 4 of the principal Act is amended by inserting after the word "effect" in the fourth line of the definition of "Settlement" therein, the words "upon or". Amendment of principal Act, s. 4— Interpretation.

3. Section 12 of the principal Act is amended by adding at the end thereof the following subsection :— Amendment of principal Act, s. 12—

(3) Every administrator shall file with the Commissioner a statement in the prescribed form specifying full particulars of all property which Particulars of gifts.

Succession Duties Act Amendment Act.—1930.

which by deed of gift, settlement, or by gift of any kind whatsoever passed from the deceased person at the death of the deceased or at any time within twelve months before the death of the deceased: Provided that nothing in this subsection shall render the administrator liable for the payment of any duty which may be chargeable upon any property passing as aforesaid.

Amendment of
principal Act, s. 13—
Deductions.

4. Section 13 of the principal Act is amended by inserting therein after the word “expenses” in the fifth line thereof the passage “(other than any commission or remuneration payable to or chargeable by any administrator).”

Amendment of
principal Act, s. 20—
Settlements.

5. Section 20 of the principal Act is amended by inserting after the word “upon” (second occurring) in the second line thereof the words “or after”.

Amendment of
principal Act,
s. 32—
Property liable to
duty.

6. Section 32 of the principal Act is amended—

(a) by inserting after the word “effected” in the second line of paragraph (d) of subsection (1) thereof the words “after the twenty-seventh day of November, nineteen hundred and nineteen”; and

(b) by inserting therein after paragraph (d) of subsection (1) thereof the following paragraph:—

(d1) the beneficial interest in any money received under a policy of assurance effected after the twenty-seventh day of November, nineteen hundred and nineteen, by any person on the life of any other person who dies after the passing of the Succession Duties Act Amendment Act, 1930, where the premiums in respect of the policy were wholly paid by such second-mentioned person, or if part only of the said premiums were paid as aforesaid, then a part of the said money in proportion to the amount of the premiums paid as aforesaid compared with the whole of the premiums paid in respect of the said policy:

Amendment of
principal Act,
s. 35—
Duty on gifts.

7. Section 35 of the principal Act is amended by striking out the words “from or interest in the said property by contract or otherwise” in the ninth and tenth lines of subsection (3) thereof, and by inserting in lieu thereof the words “of whatsoever kind or in any way whatsoever”.

Repeal of principal
Act, ss. 40 and 41.

8. Sections 40 and 41 of the principal Act are hereby repealed.

Amendment of
principal Act,
s. 42—
Increase of duties
for three years.

9. Section 42 of the principal Act (as amended by section 2 of the Succession Duties Act Amendment Act, 1929) is further amended by striking out the word “thirty-one” in the last line thereof and by inserting in lieu thereof the word “thirty-three.”

10. Part

Succession Duties Act Amendment Act.—1930.

10. Part V. of the principal Act is amended by inserting therein after section 63 thereof the following section :—

Amendment of principal Act, Part V.—

63a. (1) In any case where any shares, stock, debentures, money on fixed deposit, policy of life assurance, or any other property except money on current account at any bank, stand in the books in South Australia of any corporation, company, or society carrying on business in South Australia, in the name of any deceased person, either alone or jointly with any other person as owner, no dealing with any such shares, stock, debentures, money on fixed deposit, policy of life assurance, or property shall be registered, recorded, or otherwise given effect to, or such policy satisfied by such corporation, company, or society having notice of the death of the deceased (whether pursuant to subsection (4) hereof or otherwise howsoever) unless the Commissioner certifies in writing that all duties in respect of the said shares, stock, debentures, money or fixed deposit, policy of life assurance, or other property, whether payable in respect of the estate of the said deceased person or, as the case may be, payable by reason of any increase of benefit or any accruing of beneficial interest by reason of the said death, have been paid, or that proper security has been given for the payment thereof, or that the Commissioner consents to the proposed dealing.

Prohibition of dealings with shares, &c.
Cf. N.S.W., 1920, No. 47, s. 122, and 1924, No. 32, s. 14.

(2) Any corporation, company, or society to which this section applies which acts in contravention of this section, shall be liable on summary conviction to a penalty not exceeding Fifty Pounds.

(3) This section shall apply to the Commonwealth Bank of Australia and, subject to section 59 of the Savings Bank of South Australia Act, 1929, to the Savings Bank of South Australia, and moneys on deposit in the Savings Bank Department of the former Bank and in the latter Bank, shall not for the purposes of this section be deemed to be money on current account.

(4) Any administrator who omits to give notice of the death of the deceased to any such corporation, company, or society within three months from the grant of administration shall be liable on summary conviction to a penalty not exceeding Twenty Pounds.

(5) The Commissioner shall give any such certificate as aforesaid. The certificate may be given in any form approved by the Commissioner.

11. The Fourth Schedule to the principal Act is hereby repealed.

Repeal of principal Act, The Fourth Schedule.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.